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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,699	09/09/2003	Filiep Vanthourmout	KOB	8755

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EXAMINER

SUTTON, ANDREW W

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/657,699

Applicant(s)

VANTHOURNOUT ET AL.

Examiner

Andrew W. Sutton

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the projects discussed in claims 2 and 3 as well as the distances discussed in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

The examiner objects to claim 4 as it causes confusion where the applicant states, "first and second pulley are shifted widthwise over half a pitch." It is unclear as to what they are shifted in relation to. The examiner feels that adding "with respect to one another," as stated in the specification on page 8 line 31, would clear up any confusion and clearly describe the invention.

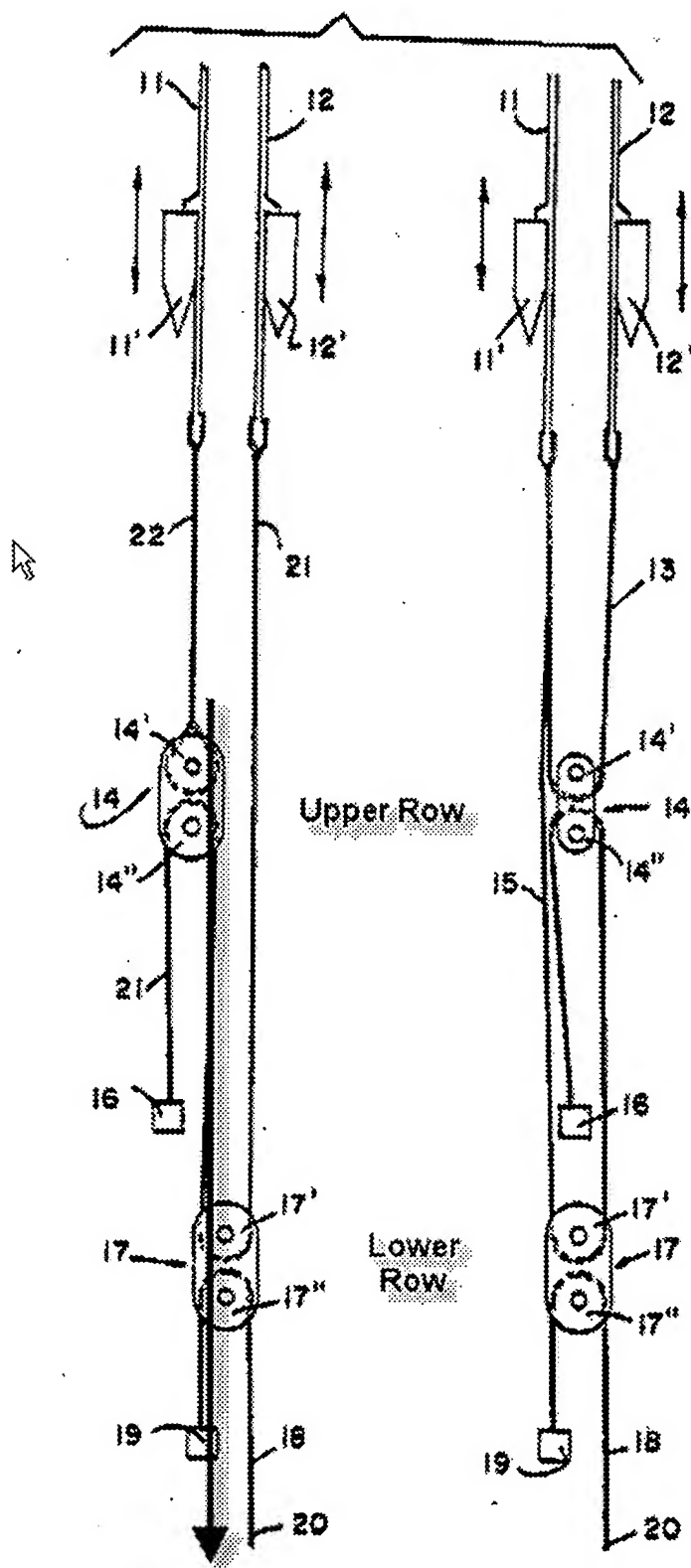
***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Derudder (US 5,139,052). Derudder illustrates (Figure 10) a shed forming device comprising two sets of hooks 11 and 12 operating in conjunction with a pulley wherein the complementary hooks 11 are operating in conjunction with one pulley 14, and a number of first pulleys 14 of one or more sets of hooks 11 are provided in an upper row, and a number of second pulleys 17 of one or more second sets of hooks 12 are provided in a lower row.

As to claim 2, Derudder illustrates (Fig. 10 and 11) first set of hooks 11 operating in conjunctions with the first pulley 14 in the upper row and hooks 12 operating in conjunctions with the second pulley 17 in the lower row. From the illustration below you can see that pulleys 14 and 17 would overlap each other when projected on the horizontal plane downward.

**FIG. 10**



As to claim 6, Derudder illustrates (Fig. 10) a single lifting element 11' to lift hooks 11 upon selection.

As to claim 7, Derudder discloses (Col. 1 line 8) that the jacquard is a three position loom.

As to claim 8, Derudder discloses (Col. 1 line 2) that the device disclosed is for a jacquard machine (loom).

### ***Allowable Subject Matter***

Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 3 states the limitation after projection on a horizontal plane, the distance between a first set of hooks (20a) operating in conjunction with a first pulley (40a) from the upper row (100) and a second adjacent set of hooks (20b) operating in conjunction with a second pulley (40b) from the lower row (101) is shorter than the total of half the width of said first pulley (40a) and half the width of said second pulley (40b) along with the limitations of claim 1 not shown in the prior art. Claim 4 states first (40a) and second pulley (40b) are shifted widthwise over half a pitch along with the limitations found in claim 1 are not shown in the prior art. Claim 5 states first (40a) and second pulley (40b) are each provided with one or more pulley cords (5, 15, 16) and in that said adjacent first pulleys (40a) are practically resting against one another and said adjacent

second pulleys (40b) are practically resting against one another and are provided with a recess so that the pulley cords (15) connecting the complementary hooks (2a, 2b) of the second sets of hooks (20b) may extend upwards over an upper pulley wheel (4a) of the second lower pulleys (40b), in the recesses (9) of two adjacent first upper pulleys (40a) and the pulley cords (16) being connected to one or more heddles and return springs of a Jacquard weaving machines over a lower pulley wheel (4b) of the first upper pulleys (40a) may extend downwards in the recesses of two adjacent lower pulleys (40b) along with the limitations of claim 1 is not shown in the prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Puype (US 2001/0004905), Himmelstoss (US 5,862,836), and Bassi (US 5,540,262) show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AWS  
11 July 2005



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